

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JONATHAN MARCUS GREEN,

Petitioner,

v.

RICK THALER, Director,  
Texas Department of Criminal Justice-  
Correctional Institutions Division,

Respondent.

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CIVIL ACTION NO. H-07-827

**FINAL JUDGMENT**

For the reasons set forth in the opinion of the Court of Appeals for the Fifth Circuit on October 9, 2012, vacating this Court's Memorandum and Order [Doc. # 42] dated October 8, 2012, in which this Court granted a stay of execution of Petitioner Jonathan Marcus Green, and remanding the case to this Court for dismissal, it is hereby

**ORDERED, ADJUDGED AND DECREED** that Petitioner Jonathan Marcus Green's petition for a writ of habeas corpus [Doc. # 1; *see* Doc. # 35] is **DISMISSED with prejudice**, except that it is further

**ORDERED, ADJUDGED AND DECREED** that Green's claim that he is currently incompetent to be executed is **DISMISSED without prejudice**.

SIGNED at Houston, Texas, this **10th** day of **October, 2012**.